

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARTIN J. WALSH,	)	
SECRETARY OF LABOR,	)	
U.S. DEPARTMENT OF LABOR,	)	
	)	
Plaintiff,	)	CIVIL ACTION FILE
	)	NO. 4:22-cv-3246
v.	)	
	)	
PACKERS SANITATION SERVICES,	)	
INC., LTD.	)	
	)	
Defendant.	)	

DECLARATION OF XIOMARA MARTINEZ

I, Xiomara Martinez, declare under penalty of perjury, as prescribed in 28 U.S.C. § 1746, that the following is true and correct:

1. I am an investigator for the United States Department of Labor, Wage and Hour Division's Miami District Office. I am an investigator assigned to assist to investigate the Defendant's compliance with the child labor provisions of the Fair Labor Standards Act ("FLSA").

2. I have been an investigator with Wage and Hour Division since September 2021. As an investigator, I conduct investigations of employers to determine whether an employer is complying with the various laws that Wage and Hour is charged with enforcing, including the FLSA.

3. The statements made herein are based on my training and experience, my personal knowledge, observations made during the execution of the warrant involving Defendant (as discussed below), as well as conversations with representatives and employees of the Defendant in this matter.

### **The Defendant**

4. Packers Sanitation Services, Inc., Ltd., which may also operate as or do business as Packers Sanitation Services, LLC, (“PSSI”) is a cleaning and sanitation company that provides contract work at meat processing facilities. The PSSI location at 515 W. 3<sup>rd</sup> Street, Grand Island, Nebraska 68801, is a workplace where it is believed that PSSI currently recruits and signs up employees to work for PSSI at a meat processing facility located at 555 South Stuhr Road in Grand Island. The meat processing facility is owned and/or operated by JBS USA or one of its affiliates (“JBS”).

### **The Investigative Findings**

5. On August 24, 2022, the Wage and Hour Division initiated an investigation of PSSI to determine whether its practices complied with the FLSA, including its child labor provisions.

6. Prior to opening its investigation, Wage and Hour received a referral about possible child labor violations by PSSI in Grand Island from another law enforcement agency.

7. On October 13, 2022, between the hours 10:00 p.m. and 12:00 a.m., I along with Wage and Hour Investigator (“WHI”) Fatmir Kote, conducted surveillance at the JBS facility located at 555 South Stuhr Road. WHI Kote and I parked in the fire-lane directly in front of one of the entry/exits of the JBS facility. At 10:25 p.m., I observed workers who appeared to be of Latin descent finishing a shift. Some of the workers observed were wearing hardhats and yellow working vests.

### **Execution of the Warrant**

8. Wage and Hour obtained warrants from U.S. Magistrate Judge Michael D.

Nelson, in the District of Nebraska, authorizing Wage and Hour to inspect and enter PSSI's storefront facility at 515 W. 3<sup>rd</sup> Street, Grand Island, NE 68801, and the JBS beef production facility at 555 South Stuhr Rd., Grand Island, NE 68801, "to make an inspection and investigation into violations of the Fair Labor Standards Act, including child labor violations" including, but not limited to, "time records of PSSI workers and/or employees, identification documents and records reflecting the age of workers and employees of PSSI, tax records, PSSI corporate records, surveillance videos, and other records or documents as the investigators may deem necessary or appropriate." The warrant also allowed for "questioning privately any employee or agent, and the taking of photographs and videos."

9. On October 13, 2022, Wage and Hour executed the warrant on the JBS facility, located at 555 South Stuhr Road, during the workers' shift. I arrived at the facility at 2:05 a.m. WHI Kote accompanied me to assist for the inspection and interviews, as discussed below.

#### **Observations at JBS Facility**

10. Once inside, I met Regional Enforcement Coordinator ("REC") Shannon Rebolledo on the first floor by the stairs. As we waited to be allowed up to the second floor, I observed an employee cleaning the floor on her knees with protective gear on. The employee was dark skinned wearing PPE, which included a jacket, gloves, plastic glasses, and boots.

11. Once we went up to the second floor, we were greeted by PSSI On-Site Manager Marina Ramirez and PSSI Area Manager Gregorio Acosta. Ms. Ramirez stated that she is responsible for over 100 employees at the plant, and that she has been working for PSSI for about four months. She also stated that if anything went wrong with the company

before she was hired, she was not aware of it. Ms. Ramirez gave us each a net for our hair, a white helmet, ear plugs, and glasses. She then asked Mr. Acosta to accompany her, REC Rebolledo, Deputy Director of Enforcement Nancy Alcantara, and I on a tour of Area 1 and Area 2 of the facility.

12. As we proceeded into Area 1 and 2, I immediately observed young workers cleaning machines with hoses. The workers I observed in this area appeared to be minor children of Latin descent. The young workers were wearing helmets, green jackets, boots, and goggles. I told Ms. Ramirez I would be taking some pictures, to which she replied: "I have nothing to hide, whatever happen before I started working with the company, I do not know, whatever I can do to assist, let me know."

13. During the tour, I asked Mr. Acosta to tell me a little about the machines I was seeing. He informed me Area 1 and 2 is where the carcasses, hanging by their legs, have the skin removed; the skin and feet are then tossed on the waste-belt and the head is removed. I observed a young worker at a machine and asked Mr. Acosta what was the machine called. He said it was "the blood dropper", and he described it as "where the blood is released from the cow." I continued to take photos of the machinery.

14. We walked into a cooling area, where the meat is hung and maintained. As we approached the area, I noticed another young worker hosing the floor, and I took a picture of them.

15. As we left Area 1 and 2, we walked into what Ms. Ramirez announced to be the Old Fabrication. There I observed a younger worker and proceeded to taking a few more pictures. This area had what appeared to be cow fat all around the ground.

16. At approximately 4:30 a.m., Ms. Ramirez announced that we need to move a little bit faster because JBS workers would be starting their shift soon and we needed to be off the floor.

**Interviews with Minor Children**

17. At the JBS facility, I and other Wage and Hour employees interviewed several minor children working at the JBS facility during the 11:00 p.m. to 7:00 a.m. shift.

18. I speak and write Spanish fluently. As the minor children I interviewed were not fluent English speakers, I conducted my interviews with the minor children in Spanish.

19. All Minor Children I interviewed stated they were hired by the same process: they applied at the storefront and were assisted with the application process by an office employee named Linda. Linda also provided the minor children their schedule and their rate of pay.

20. In general, the minor children performed work including cleaning the preslaughter handling, stunning, and slaughtering equipment with hoses, steaming hot water, and cleaning liquids numbered 568, 262, 615, 400, and 4610.

***Minor Child D***

21. During our interview, Minor Child D, stated their birth name and date of birth. Minor Child D had worked for PSSI for approximately eight months.

22. Minor Child D works in Detail Area using the hoses to wash the sinks (Area 2, Kill Floor). Minor Child D received a month of training to clean the sinks.

23. Minor Child D works from 11:30 p.m. to 7:10 a.m. Monday through Friday. Minor Child D also works certain Saturdays, depending on production, and maybe one or two Saturdays a month. They estimated working 52.5 hours per week.

***Minor Child G***

24. During our interview, Minor Child G provided me their birthname and date of birth. Minor Child G had just turned 18 a few weeks before our interview. They started work for PSSI in late 2021 when they were 17-years-old.

25. Minor Child G believed the youngest person that works for PSSI at the facility is 17-years-old.

26. Minor Child G stated they clean the Jumbo Super Cleaner with the hose and such chemicals 568, 262, 615, 400, 4610, etc. They recalled one worker burning his eyes with Clorox, and Pedro Montanez gave him some eye drops.

***Minor Child H***

27. During our interview, Minor Child H gave me their birth name, date of birth, and home address. They claimed to be 19-years-old and live with their uncle. Minor Child H stated they began working at PSSI “before COVID” in early 2020.

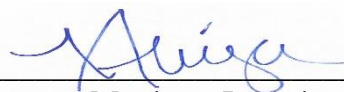
28. Minor Child H cleans the table saws in the New Fabrication area using Clorox and the chemical 568. They stated that the chemical 568 does burn the skin.

29. Minor Child H works weekdays from 11:00 p.m. to 6:30 a.m. and some weekends.

30. Minor Child H said their cousin, who is 17-years-old, also works for PSSI.

31. Minor Child H attends Grand Island High School.

Executed on this 3rd day of November, 2022.

A handwritten signature in blue ink, appearing to read 'Xiomara', is written over a horizontal line.

Xiomara Martinez, Investigator  
Wage and Hour Division  
U.S. Department of Labor